

AMENDMENT / RESPONSE TRANSMITTAL

Applicant : James Orrin O'Dea
App. No. : 10/061,389
Filed : February 1, 2002
For : DIGITAL ERROR MAPPING
CIRCUIT AND METHOD
Examiner : Cynthia H. Britt
Art Unit : 2133

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 30, 2004

(Date)

Michael A. Guiliana, Reg. No. 42,611

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Restriction Requirement in 2 pages.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20,995
(949) 760-0404

2133
Pfw

DTARUS.001A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : James Orrin O'Dea) Group Art Unit 2133
Appl. No. : 10/061,389)
Filed : February 1, 2002)
For : DIGITAL ERROR MAPPING)
CIRCUIT AND METHOD)
Examiner : Cynthia H. Britt)

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 30, 2004

(Date)

Michael A. Guilian, Reg. No. 42,611

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement, Applicants elect Group I (Claims 1-9) for prosecution in the present application.

The present election is being made with traverse. Applicant submits that it is well established that :

If the search and examination of an entire application can be made without **serious burden**, the examiner **must** examine it on the merits, **even though it includes claims to independent or distinct inventions**.

M.P.E.P. § 803 (emphasis added).

The non-elected Group is directed to an apparatus for error mapping a memory array and the elected Group is drawn to an apparatus for detecting an invalid bit pattern in a bit stream. A proper search for art related to the elected Group would necessarily include the classes and subclasses relevant to a search for the non-elected Group. Additionally, Applicant wishes to point out that there are only twenty (20) presently pending claims. Thus, examination of all the claims would not present "a serious burden" on the Examiner.

Appl. No. : 10/061,389
Filed : February 1, 2002

Applicants therefore respectfully request that the present restriction requirement be withdrawn.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 30, 2004

By: 

Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Fourteenth Floor
2040 Main Street
Irvine, CA 92614
(949) 760-0404

H:\DOCS\MAG\CLIENTS\DATARIUS\DTARUS001ARR.DOC
093004